



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

JUN 07 2012

Denise McNair, Town Manager
Town of Berlin
240 Kensington Avenue
Berlin, Connecticut 06037

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c)
and § 761.79(h)
Kensington Furniture Showroom and Warehouse Buildings
903 and 913 Farmington Avenue
Berlin, Connecticut

Dear Ms. McNair:

This is in response to the Town of Berlin (the Town) Notification¹ for approval to clean up and dispose of PCB-contaminated building materials located in the Kensington Furniture Showroom and Warehouse buildings (together, the Sites) at 903 and 913 Farmington Avenue in Berlin, Connecticut. The Sites contain PCB caulk that exceeds the allowable PCB levels under the federal PCB regulations at 40 CFR § 761.20(a) and § 761.62.

In its Notification, the Town has proposed the following PCB cleanup and disposal plan:

The Showroom

- Remove grey, and brown caulk, and white caulk adjacent to interior metal doors and dispose as a *PCB bulk product waste* in accordance with § 761.62(a) in a TSCA-approved disposal facility or RCRA hazardous waste landfill;

¹ The notifications were prepared by Eagle Environmental, Inc on behalf of the Town of Berlin to satisfy the notification requirement under 40 CFR § 761.61(a)(3). Information for 913 Farmington Avenue was submitted dated October 31, 2011 (Self-Implementing On-Site Cleanup and Disposal Plan (SIDP)); March 6, 2012 (Response to EPA Comments and revised SIDP); April 18, 2012 (Response to EPA comments and revised SIDP); and, April 27, 2012 (Response to phone conversation questions). Information for 903 Farmington Avenue was submitted on March 28, 2012 (SIDP); May 7, 2012 (Response to EPA comments and revised SIDP); May 17, 2012 (Email response to EPA questions); and June 1, 2012 (Email response to substrate removal questions). These submittals shall be referred to as the "Notification".

- Remove entire window and door systems, and A/C units (including plywood panels) in contact with greater than or equal to (\geq) 50 parts per million (ppm) PCB caulk, and dispose as a \geq 50 ppm *PCB remediation waste* in a TSCA-approved disposal facility or RCRA hazardous waste landfill;
- Remove a minimum of 4.5 inches *porous surfaces* (i.e., exterior brick) adjacent to PCB caulk, and dispose as a \geq 50 ppm *PCB remediation waste* in a TSCA-approved disposal facility or RCRA hazardous waste landfill;
- Remove *PCB Remediation Waste* (i.e., soils from Soil Area 3) with greater than ($>$) 1 ppm but less than ($<$) 50 ppm PCBs and dispose of in a RCRA non-hazardous waste landfill in accordance with § 761.61(a)(5)(i)(B)(2)(ii);
- Conduct verification sampling of soil in accordance with 40 CFR Part 761 Subpart O; and,
- Conduct additional characterization sampling of exterior *porous surfaces* (i.e., asphalt) to define extent of PCB contamination.

The Warehouse

- Remove PCB caulk and dispose as a *PCB bulk product waste* in accordance with § 761.62(a) in a TSCA-approved disposal facility or RCRA hazardous waste landfill;
- Remove all exterior window frames in their entirety, and dispose as a \geq 50 ppm *PCB remediation waste* in a TSCA-approved disposal facility or RCRA hazardous waste landfill;
- Remove a minimum of 4.5 inches *porous surfaces* (i.e., exterior brick, mortar, and concrete) adjacent to PCB caulk, and dispose as a \geq 50 ppm *PCB remediation waste* in a TSCA-approved disposal facility or RCRA hazardous waste landfill;
- Remove and dispose of the following wastes with > 1 ppm but < 50 ppm PCBs in a RCRA non-hazardous waste landfill;
 - Glazing
 - *Non-porous surfaces* (i.e., exterior metal window sashes)
 - *Porous surfaces* (i.e., brick and mortar at a distance of 8.5 inches from the joint located in Façade B of the building)
 - Soils/gravel from Areas 2 and 4 through 7
- Decontaminate *non-porous surfaces* (i.e., steel lintels and I-beams) to $< 10 \mu\text{g}/100 \text{ cm}^2$ for unrestricted use; and,

- Conduct verification sampling of soil and decontaminated *non-porous surfaces* (i.e., steel lintels and I-beams) in accordance with 40 CFR Part 761 Subpart O for soils and 40 CFR Part 761 Subpart P for *non-porous surfaces*.

The Town has determined that certain caulks and glazing within the Showroom, which have PCB concentrations at < 50 ppm, meet the criteria for an *Excluded PCB Product* under § 761.3. Under the PCB regulations, *Excluded PCB Products* are authorized for use and thus there is no requirement for removal of the caulk and glazing or decontamination of surfaces that are in contact with the < 50 ppm caulk or glazing. While these building materials are not addressed in the Approval, the Town is proposing to remove the PCB products containing PCBs with > 1 ppm prior to building demolition.

The Town's plan meets the notification requirements § 761.61(a)(3) with exception of the proposed verification sampling for *porous surfaces*. Given the data and the proposed removal, it appears that the data is sufficient to support the Town's deviation request for verification sampling. EPA finds that the proposed verification sampling deviation will not create an unreasonable risk to public health or the environment based on the information provided. EPA may approve the sampling deviation under § 761.61(c).

The Town may proceed with its cleanup in accordance with 40 CFR §§ 761.61(a) and (c); § 761.62; § 761.79(h); its Notification; and this Approval, subject to the conditions of Attachment 1.

This Approval does not provide for cleanup and disposal of PCB-contaminated asphalt around the Showroom since additional sampling is necessary to define the nature and extent of the contamination. Upon completion of the investigation of the asphalt around the Showroom, the Town may request a modification to this Approval to incorporate cleanup of PCB-contaminated asphalt, or the Town may submit a separate cleanup and disposal notification under 40 CFR § 761.61 (see Attachment 1, Condition 15).

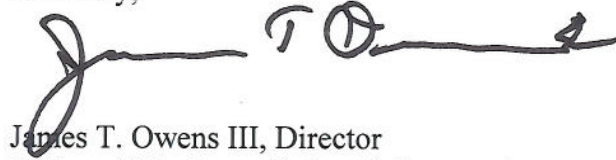
This Approval does not release the Town from any applicable requirements of federal, state or local law, including the requirements related to cleanup and disposal of PCBs or other contaminants under the Connecticut Department of Energy and Environmental Protection (CT DEEP) regulations.

Questions and correspondence on this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100 (OSRR07-2)
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in dark ink, appearing to read "J T Owens III", with a stylized flourish at the end.

James T. Owens III, Director
Office of Site Remediation & Restoration

cc: John Terrill, Eagle Environmental, Inc
Gary Trombly, CT DEEP
File

Attachment 1 – PCB Approval Conditions

ATTACHMENT 1

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
KENSINGTON FURNITURE SHOWROOM
AND WAREHOUSE BUILDINGS (“the Sites”)
913 AND 903 FARMINGTON AVENUE
BERLIN, CONNECTICUT**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Sites and identified in the Notification².
2. The Town of Berlin (the Town) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. The Town must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, The Town shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. The Town is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the Town has or receives information indicating that the Town or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.

² The notifications were prepared by Eagle Environmental, Inc on behalf of the Town of Berlin to satisfy the notification requirement under 40 CFR § 761.61(a)(3). Information for 913 Farmington Avenue was submitted dated October 31, 2011 (Self-Implementing On-Site Cleanup and Disposal Plan (SIDP)); March 6, 2012 (Response to EPA Comments and revised SIDP); April 18, 2012 (Response to EPA comments and revised SIDP); and, April 27, 2012 (Response to phone conversation questions). Information for 903 Farmington Avenue was submitted on March 28, 2012 (SIDP); May 7, 2012 (Response to EPA comments and revised SIDP); May 17, 2012 (Email response to EPA questions); and June 1, 2012 (Email response to substrate removal questions). These submittals shall be referred to as the “Notification”.

7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the Town are authorized to conduct the activities set forth in the Notification. The Town is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the Town from compliance with any applicable requirements of federal, state or local law; or 3) release the Town from liability for, or otherwise resolve any violations of federal, state or local law.

NOTIFICATION AND CERTIFICATION CONDITIONS

9. This Approval may be revoked if the EPA does not receive written notification from the Town of its acceptance of the conditions of this Approval within 10 business days of receipt.
10. The Town shall submit the following information for EPA review and/or approval:
 - a. a certification signed by its selected contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
 - b. a contractor work plan prepared and submitted by the selected demolition or abatement contractor(s) describing the air sampling and containment that will be employed during abatement activities. This work plan should also include information on how and where wastes will be stored and disposed of, and on how field equipment will be decontaminated; and,
 - c. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical methods and quality assurance requirements specified in the Notification and in this Approval.

REMEDIAL AND DISPOSAL CONDITIONS

11. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.

12. PCB-contaminated materials shall be decontaminated and confirmatory sampling and analysis shall be conducted as described below:
 - a. All visible residues of PCB caulk (i.e. *PCB bulk product waste*) shall be removed as described in the Notification.
 - b. The cleanup standard for *non-porous surfaces* (i.e., steel lintels and I-beams) shall be less than or equal to ($\leq 10 \mu\text{g}/100 \text{ cm}^2$). Verification sampling shall comply with Subpart P.
 - c. The cleanup standard for bulk *PCB remediation waste* (i.e. soil) shall be ≤ 1 part per million (ppm). Verification samples shall be collected on a bulk basis (e.g. mg/kg) and reported on a dry-weight basis. Verification sampling shall comply with Subpart O; samples shall be collected from both excavation bottoms and sidewalls, as applicable.
 - d. Sampling for *porous surfaces* (i.e., asphalt) shall be performed on a bulk basis (i.e., mg/kg) and reported on a dry weight analysis. Sampling for *porous surfaces* shall be conducted in accordance with the EPA Region 1 *Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, at a maximum depth interval of 0.5 inches. Verification sampling shall be conducted in accordance with the frequency requirements in Subpart O.
 - e. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.
13. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5) or § 761.62, unless otherwise specified below:
 - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

14. The Town shall allow any authorized representative of the Administrator of the EPA to inspect the Sites and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the Town to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
15. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
16. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
17. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

RECORDKEEPING AND REPORTING CONDITIONS

18. The Town shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the decontamination and the analytical sampling shall be established and maintained by the Town in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
19. The Town shall submit a final report to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the size of the decontaminated area(s); copies of manifests; and, copies of certificates of disposal or similar certifications issued by the disposer.

20. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

21. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1